

From: Scott Ventura
To: Microsoft ATR
Date: 1/28/02 11:14am
Subject: Microsoft Settlement

From:

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To:

Renata B. Hesse
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Subject: Microsoft Antitrust Remedy Proposal

I am writing to express my disapproval of certain terms of the remedies set forth in the antitrust case against Microsoft. My concerns stem from examining the document located at the following URL:

<http://www.usdoj.gov/atr/cases/f9400/9495.htm>

The proposed remedy is a bad idea. As currently outlined, it allow Microsoft to gain an even larger market share rather than force it to compete more fairly.

Documentation/Disclosure/Licensing of Security-Related Interfaces

III J: No provision of this Final Judgment shall:

1.Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or

enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

There is a saying in the computer security industry: "Security by obscurity is no security at all." The phrasing in the above passage gives Microsoft leeway to obscure from public scrutiny the protocols and APIs that are of greatest importance to computer security. Encryption and authentication are complicated concepts. Encryption systems must be subjected to extensive attacks by the security community at large before they can be trusted. Furthermore, the interfaces to the encryption system must also be examined by security experts before they can be trusted. According to III J 1, Microsoft will not be required to document, disclose, or license this information to the vendors of security-related products whose security would be compromised by flaws in the API or protocol. Microsoft will be the only company in possession of the information needed to make security-related software secure.

Although I am no fan of digital rights management systems, I must express my concern for copyright holders, as well. Copyright holders will be subject to the greatest losses if any level of the digital rights management system is compromised. If the decision of to whom to document, disclose, and license the details of the digital rights management system in Windows is left solely to Microsoft, then Microsoft could enter into exclusive agreements with some copyright holders and not others. This would result in an imbalance in the ability of content providers and copyright holders to protect their properties to the abilities of the best experts royalty money can buy. Worse, Microsoft could elect to not document, disclose, or license these details to any non-Microsoft entity. Then Microsoft would be poised to become the only copyright holder with access to the information required to make working digital rights management systems for their properties.

Conclusion

Microsoft is an extremely slippery company. They have reached their current position of market dominance through questionable business practices and not quality product. I sincerely hope that the final version of the remedies forces Microsoft to either produce good software or get out of the way so others can. We've been tolerating insufficiently useful computers for too many years already.

Respectfully,

Scott D. Ventura

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